

## United States Senate

WASHINGTON, DC 20510-1804

December 23, 2014

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th St., S.W.  
Washington, DC 20554

Dear Chairman Wheeler:

I am writing to you regarding the FCC's upcoming TV broadcast incentive auction and subsequent reorganization of the TV broadcast spectrum. Specifically, I would like to encourage the FCC to give consideration to requests by low-power television stations ("LPTVs") protected by the Digital Data Services Act, Pub L. No 106-554, 114 Stat. 4577 (Dec. 21, 2000) (the "DDSA"), for full access to TV broadcast channels following the TV incentive auction.

As you may know, Congress passed the DDSA to give certain LPTVs the ability to explore using low-power broadcast signals to deliver commercial wireless data services. This use of broadcast spectrum holds promise for alleviating the "spectrum crunch" currently facing the wireless telecommunications industry. As I understand, technological developments will soon make it possible for LPTVs to begin offering the types of two-way data transmissions that wireless companies need in the near future.

I also understand that the FCC will be required to "repack" full power television and Class A stations on a smaller number of channels than they currently use as a part of the TV broadcast incentive auction process. However, most observers speculate that when the "repack" is completed, there will be many fewer channels available for LPTVs than there are today, and that many LPTVs will be forced to go off the air permanently. Accordingly, I ask that the FCC give full and fair consideration to requests by stations identified in the DDSA that they be given priority for obtaining new TV channels in the UHF spectrum where digital data services can be provided in the post-incentive auction "repack."

In a petition for reconsideration of the FCC incentive auction rules, U.S. Television, LLC raised an argument that the DDSA requires further protection for certain low-power television stations that Congress identified by putting the "DDSA stations first in line for LPTV spectrum once the FCC completes the repack of full power and Class A stations." That petition should be given full and fair consideration by the FCC.

I recognize that this is a complex process that requires the FCC to exercise its special expertise in allocating spectrum and making judgments about the best use of the public airwaves. In making those judgments, I ask that you consider the DDSA and Congress's intention to develop wireless data services on LPTV stations.

With warmest regards, I am

Sincerely,



Mary L. Landrieu  
United States Senator

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